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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,602	12/21/2000	James S. McCormick	1400.4100220	1006
25697	7590	04/27/2006	EXAMINER	
ROSS D. SNYDER & ASSOCIATES, INC.			HSU, ALPUS	
PO BOX 164075			ART UNIT	
AUSTIN, TX 78716-4075			PAPER NUMBER	
			2616	

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/746,602

Applicant(s)

MCCORMICK ET AL.

Examiner

Alpus H. Hsu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24-29 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/3/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by KOBAYASHI in U.S. Patent No. 4,775,974 (of record), hereinafter referred as KOBAYASHI.

Regarding claim 24, KOBAYASHI discloses a method for processing ingress data units in a link layer processor (21) of a multiprocessor control block (20) in a communication switch, comprising: receiving a first ingress data unit corresponding to a call; selecting a first selected intermediate processor of a plurality of intermediate processors (24-1-24-n) included in the multiprocessor control block; and forwarding the first ingress data unit to the first selected intermediate processor (see col. 3, lines 14-35, col. 3, line 52 to col. 4, line 12, col. 4, lines 24-43).

Regarding claims 28 and 29, KOBAYASHI discloses the step of assigning a sequence number to the first ingress data unit, wherein the sequence number corresponds to the call, and the steps of: receiving a second ingress data unit corresponding to the call; assigning the sequence number corresponding to the call to the second ingress data unit; selecting a second selected intermediate processor of the plurality of intermediate processors; and forwarding the second ingress data unit to the second selected intermediate processor (see col. 4, lines 29-33, 39-42, col. 5, lines 34-39).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOBAYASHI in view of TZENG in U.S. Patent No. 6,438,135 (of record), hereinafter referred as TZENG.

Regarding claim 25, KOBAYASHI differs from the claim, in that, it fails to disclose the selection of the first selected intermediate processor based on a prioritization scheme, which is well known in the art and commonly applied in communications field for access arbitration. TZENG, for example, from the similar field of endeavor, teaches the selection of queue processors based on a prioritization scheme (see col. 2, lines 42-65), which can be easily adopted by one of ordinary skill in the art into the method of KOBAYASHI to provide the method with access arbitration to further improve the system efficiency.

Regarding claims 26 and 27, KOBAYASHI differs from the claim, in that, it fails to disclose the prioritization scheme includes a round robin scheme and at least partially based on loading on each intermediate processor of the plurality of intermediate processors, which are also

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well known in the art and commonly applied in communications field for priority contention and resolution. TZENG, from the similar field of endeavor, also teaches the prioritization scheme includes a round robin scheme and at least partially based on loading on each intermediate processor of the plurality of intermediate processors (see col. 4, lines 49-57), which can be easily adopted by one of ordinary skill in the art into the method of KOBAYASHI to provide the method with priority contention and resolution to further improve the system efficiency.

6. Claims 1-23 are allowed.

7. Claims 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.

9. In the remark, regarding claims 24-27, the applicant mainly argued that the cited reference fails to disclose the feature of having the link layer processor performing the steps of selecting a first selected intermediate processor of a plurality of intermediate processors included in the multiprocessor control block or forwarding the first ingress data unit to the first selected intermediate processor. The examiner disagrees since claims 24-27 are directed to a method for performing all of the method steps. The feature of having the link layer processor performing the steps of selecting a first selected intermediate processor of a plurality of intermediate processors included in the multiprocessor control block or forwarding the first ingress data unit to the first selected intermediate processor as argued by the applicant was not recited in the claims. It is also the examiner's intention to rely on the switching controller (41) in

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KOBAYASHI to perform the steps of selecting and forwarding. The applicant further argued that KOBAYASHI recites the term of "outgoing frames," not "first ingress data unit.", which would have been obvious to one of ordinary skill in the art to name the data stream in term of "unit", "block", "packet" or "frame", and in term of "incoming", "outgoing", "ingress" or "egress" as desired.

Regarding claims 28 and 29, Applicant mainly argued that the cited reference fails to disclose the features assigning a sequence number to the first ingress data unit, wherein the sequence number corresponds to the call. The examiner also disagrees since it is well known in the art and commonly applied in data communications field for assigning a sequence number to data packet for data assembly/disassembly and error detection/correction purposes.

KOBAYASHI clear disclose such feature in, for example, col. 2, lines 55-60, col. 4, lines 29-34, col. 5, lines 34-41.

In view of the above reasoning, the examiner believes that the rejections under 102(b) and 103(a) regarding claims 24-29 should be sustained.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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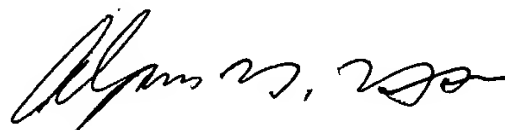
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu  
Primary Examiner  
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